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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL A. FRIMMEL,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:15-cv-00092-GMN-CWH

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

Petitioner has filed a motion for leave to proceed *in forma pauperis*. (ECF No. 1). Thereafter, petitioner paid the \$5.00 filing fee for this action. (ECF No. 3). Petitioner's motion to proceed *in forma pauperis* is therefore denied as moot.

Petitioner has submitted a federal petition, along with a memorandum of points and authorities in support of his petition, attached to which are Exhibits A-X. (ECF No. 1-1 & ECF No. 5). The Court notes that the federal petition contains five grounds for relief. (ECF No. 1-1). The federal petition incorporates by reference Grounds 1-4, as pled in petitioner's state post-conviction habeas petition filed in state court, which appears at Exhibit I of petitioner's exhibits. (ECF No. 1-1, at pp. 3-7; ECF No. 5, at pp. 103-117). The habeas petition, memorandum of points and authorities, and exhibits shall be served on respondents.

IT IS THEREFORE ORDERED that petitioner's motion for leave to proceed *in forma pauperis* (ECF No. 1) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that petitioner's motion to file excess pages (ECF No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall **FILE** the petition. The Clerk shall **ELECTRONICALLY SERVE** the petition (ECF No. 1-1), as well as petitioner's memorandum of

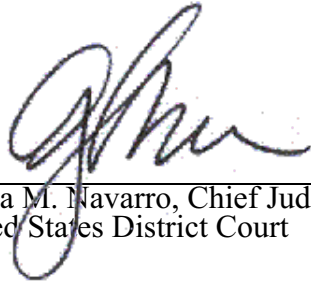
1 points and authorities, including exhibits (ECF No. 5), the upon the respondents. The Clerk of
2 Court **SHALL ADD** Attorney General Adam Paul Laxalt to the CM/ECF docket sheet.

3 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry
4 of this order within which to answer, or otherwise respond to, the petition. In their answer or other
5 response, respondents shall address all claims presented in the petition. Respondents shall raise all
6 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
7 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
8 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in
9 the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
10 **forty-five (45) days** from the date of service of the answer to file a reply.

11 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
12 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
13 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
14 Division of the Clerk of Court.

15 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
16 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
17 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
18 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
19 General. The Court may disregard any paper that does not include a certificate of service. After
20 respondents appear in this action, petitioner shall make such service upon the particular Deputy
21 Attorney General assigned to the case.

22 **DATED** this 23rd day of July, 2015.

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26 Gloria M. Navarro, Chief Judge
27 United States District Court
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